

ADVERSE REPORT
CITY COUNCIL DEC 03 2001

**Standing committees
AGENDA**

Entered - 11/01/01 - sb
CL01L0690 - DIANNE C. MITCHELL

CLAIM OF: **MARY HESTER,**
through her attorney,
William N. Robbins
6000 Lake Forrest Drive
Suite 315
Atlanta, Georgia 30328

01-1947

For damages alleged to have been sustained as a result of personal injuries due to a fall on June 2, 2001 at the Jonesboro North Apartments.

THIS ADVERSED REPORT IS APPROVED

BY: *Rosalind Rubens Newell*
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

DEPUTY MUNICIPAL CLERK

CERTIFIED
DEC 03 2001

ADVERSE REPORT

PUBLIC SAFETY &

LEGAL ADMINISTRATION COMMITTEE

DATE: _____

CHAIR: _____



OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK

December 6, 2001

55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30335
(404) 330-6033
FAX (404) 658-6103

William N. Robbins
Attorney at Law
6000 Lake Forrest Drive
Suite 315
Atlanta, GA 30328

01-R-1947

RE: Mary Hester

Dear Attorney Robbins:

I sincerely regret that your client has been adversely affected by the circumstances raised in his/her claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your client's claim at its regular meeting on January 03, 2000. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the **City Attorney's Office/Claims Division** at (404) 330-6400.

Yours very truly,

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: **Claims Division/Law Department**

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 01L0690

Date: November 9, 2001

Claimant /Victim MARY HESTER
BY: (Atty) William N. Robbins
Address: 6000 Lake Forrest Drive, Suite 315, Atlanta, Georgia 30328
Subrogation: Claim for Property damage \$ Bodily Injury \$ Not Stated
Date of Notice: 10/31/01 Method: Written, proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 06/02/01 Place: Jonesboro North Apartments
Department Division:
Employee involved Disciplinary Action:

NATURE OF CLAIM: The claimant alleges that she was injured when the steps gave way causing her to fall. The investigation determined that the Jonesboro North Apartments are owned and operated by the Atlanta Housing Authority which is a separate legal entity from the City of Atlanta. The claimant's attorney has been advised to pursue this claim directly with the Atlanta Housing Authority.

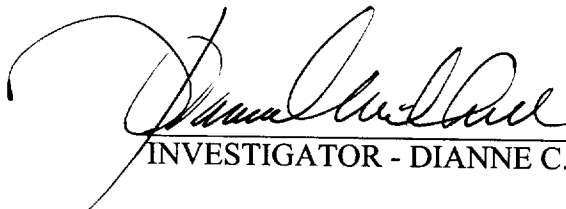
INVESTIGATION:

Statements: City employee Claimant Others Written Oral
Pictures Diagrams Reports: Police Dept Report Other
Traffic citations issued: City Driver Claimant Driver
Citation disposition: City Driver Claimant Driver

BASIS OF RECOMMENDATION:

Function: Governmental Ministerial
Improper Notice More than Six Months Other Damages reasonable
City not involved X Offer rejected Compromise settlement
Repair/replacement by Ins. Co. Repair/replacement by City Forces
Claimant Negligent City Negligent Joint Claim Abandoned

Respectfully submitted,



INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2H01
Claims Manager: Concur/date 11-13-01
Committee Action: Council Action

RCS# 3389
12/04/01
1:15 AM

Atlanta City Council

Regular Session

#13) 01-R-1947

#14) 01-R-1948

#15) 01-R-1949

#16) 01-R-1950

#17) 01-R-1951

#18) 01-R-1952

#20) 01-R-1960

#21) 01-R-1961

#22) 01-R-1962

MULTIPLE

Unfavorable Claims: #13 through #22
Except #19
ADOPT

YEAS: 11
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 5
EXCUSED: 0
ABSENT 0

NV McCarty	NV Dorsey	Y Moore	NV Thomas
Y Starnes	Y Woolard	Y Martin	Y Emmons
Y Bond	NV Morris	Y Maddox	Y Alexander
Y Winslow	Y Muller	Y Boazman	NV Pitts

MULTIPLE